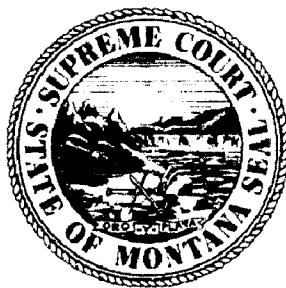


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April 7 2010

*Ed Smith*  
CLERK OF THE SUPREME COURT  
STATE OF MONTANA



IN THE SUPREME COURT OF THE STATE OF MONTANA  
THE OFFICE OF THE CLERK OF SUPREME COURT  
HELENA, MONTANA 59620-3003

Supreme Court No.  
DA 09-0510

STATE OF MONTANA, EX REL.  
DEPARTMENT  
OF ENVIRONMENTAL QUALITY,

Plaintiff and Appellant,

v.

**GRANT OF EXTENSION**

BNSF RAILWAY COMPANY, and SWANK  
ENTERPRISES

Defendant, Appellee and Cross-  
Appellant.

Pursuant to authority granted under M. R. App.P. 26(1), Cross-Appellant is given an extension of time until May 17, 2010, to prepare, file, and serve the Cross Appellant's brief.

DATED this April 7, 2010

A handwritten signature in black ink, appearing to read "Ed Smith", is written over a horizontal line.

ED SMITH  
Clerk of the Supreme Court

c: Richard Allan Payne, Cynthia D. Brooks, Leo Berry, Paul J. Lawrence, Marc G. Buyske, Chad E. Adams, Paul A. Sandry